



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,392	01/18/2000	Leonard H. Lopez Jr.	1036.1140	3110

22775 7590 06/12/2002

WAYNE J COLTON INC
THE MILAM BUILDING SUITE 1032
115 EAST TRAVIS STREET
SAN ANTONIO, TX 78205

EXAMINER

ZURITA, JAMES H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 06/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

Office Action Summary	Application No.		Applicant(s)	
	09/487,392		LOPEZ JR., LEONARD H.	
	Examiner		Art Unit	
	James Zurita		3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

BEST AVAILABLE COPY

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

BEST AVAILABLE COPY

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Fig. 2, item 45 refers to Fig. 4. Fig. 4 lacks a reference number. Examiner believes the reference number is Fig. 2, item 45.

Fig. 2, item 47 refers to Fig. 10. Fig. 10 lacks a reference number. Examiner believes the reference number is Fig. 2, item 47.

Fig. 2, item 48 refers to Fig. 11. Fig. 11 lacks a reference number. Examiner believes the reference number is Fig. 2, item 48.

Fig. 2, item 49 refers to Fig. 16. Fig. 16 lacks a reference number. Examiner believes the reference number is Fig. 2 item 49.

Fig. 2, item 50 appears to refer to Fig. 20. However, Fig. 20 lacks a reference number. It is also unclear from the disclosures whether the correct reference should be Fig. 2, item 50 or Fig. 18, item 128.

Fig. 6 is missing a reference number. It is unclear from the disclosures what the reference should be.

Fig. 13 is identified by reference number 104. Item 104 appears only on Page 15, line 5. However, it is unclear from the specification whether Fig. 13 is also being referenced by Fig. 12 item 100.

Fig. 15 lacks a reference number. It is unclear It is unclear from the disclosures what the reference should be.

Fig. 17 lacks a reference number. Examiner believes the reference number is Fig. 16 item 117.

Fig. 18 lacks a reference number. Examiner believes the reference number is Fig. 17 item 210.

Fig. 19 lacks a reference number. Examiner believes the reference is in Fig. 18, the box that contains text that states "view approved orders." However, the box lacks a reference number.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "127" has been used in Fig. 18 to designate both "modify order" and "remove order".

The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

The text of Fig. 18, item 124 does not match the disclosures on page 16, line. The disclosures state "assign the sorted orders into the appropriate batches 124." Fig. 18 item 124 states "view profile."

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

The following claims are objected to because of the following informalities:

Claim 14 should be changed from change from "wherein said processing step comprises merging at least a portion . . ." to "wherein said processing step comprises *the step of* merging at least a portion . . ."

This appears to be a word processing error. For purposes of this examination, Examiner will apply the stated correction.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 8, 14-16 are rejected under 35 U.S.C. 112, first paragraph.

Claims 1, 14-16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1, 14, 15 and 16 are directed to a pre-press product, claim 15 is directed to a direct-to-plate command set, and claim 16 is directed to a copier command set. In the specifications, Applicant refers to the following:

a pre-press product system (Fig. 1, item 38, and page 8, lines 1-13);

a pre-press product (page 4, lines 10-12, page 5, lines 10-15, page 9, lines 9-12, page 10, lines 1-7, page 16, lines 19-25);

a direct-to-plate command set (page 5, lines 10-15, page 16, lines 19-22, a direct-to-plate system, page 8, lines 1-13, page 10, lines 2-7);

a command set for copiers (page 5, lines 10-17, page 16, lines 22-25);

an interface (Fig. 1, item 37) to an automated pre-press system (Fig. 1, item 38, page 8, lines 1-14).

Applicant discloses that output from the product request entry function consists of Fig. 2, items 47, 48, 49 and 50. These items are elaborated in Fig. 10, Fig. 11, Fig. 16 and Fig. 20, respectively. The output from applicant's print ordering system is a data file containing records with sufficient information to allow a pre-press system to produce a plate (such as Fig. 1, item 38, page 8, lines 10-13). Applicant also discloses that such system for making plates are well known, may include a DPX system from Denmark and many substantial equivalents. Applicant does not explain how his pre-press product would differ from prior art plate-making systems that are well known to those of ordinary skill in the art of printing and typography.

Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 8 recites providing a requestor interface step further comprises the step of defining a database management system (DBMS), said database management system being adapted to collect and store data according to said field list.

Applicant describes a system that generates a requestor interface, a list of fields and that defines a DBMS (application, page 4, line 15-page 5, line 17; page 8, line 14-page 9, line 5; page 10, lines 8-20; page 13, lines 1-8; see also references to item 74).

However, applicant does not disclose how a user may define a DBMS. In addition, defining a DBMS is normally a function of a server site's database administrator (DBA).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 6-8, 12, 13, 17, 18 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1, 2, 6, 7, 8, 12, 13 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims are directed to various interfaces, including a requestor interface (Claims 1, 2, 6, 7, 8, 17), a processor interface (claim 1), a user interface (claims 12 and 13). Disclosures identify a user interface, a requestor interface (item 31, 32), a processor interface (item 34), a purchaser interface (item 33). The term user interface is described in terms of an interface for a user of a DBMS (page 5, lines 4-10), Fig. 4, page 8, line 14-page 9, line 14).

Claim 3 is rejected under 35 U.S.C. 112, second paragraph. This claim contains the terms "sufficiently" and "completely" and "all necessary." These are relative term which renders the claim indefinite. The terms "sufficiently" and "completely" and "all necessary" are not defined by the claim, the specification does not provide a standard

Art Unit: 3625

for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Application disclosures, page 4, lines 15-21, state "typography of a specific company tailored product, which will preferably include all tracking, kerning and text adjustment information for a specific product and may also include all necessary graphics placement information for the product. In the preferred embodiment of the present invention, this step involves generating a plurality of prototypical product records – one for each business card and/or stationery product style to be made available through the system." The disclosures appear to define complete and sufficient in terms of all tracking data, all kerning data, and text adjustment data. Applicant also adds, however, that the information "may also include all necessary graphics placement information." These terms render the claim indefinite.

Claim 3 recites the limitation "the typography" in "typography". There is insufficient antecedent basis for this limitation in the claim. The disclosures

Claim 18 recites the limitation "said template step" in "template step". There is insufficient antecedent basis for this limitation in the claim. There is no template step in the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3625

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik et al, (US Patent 6,330,542), in view of Smith et al. (U.S. Patent 5,964,156).

As per claim 1, Sevcik discloses electronic-commerce procurement and processing for commercial printing. Users may enter orders, modify orders, and generate orders for print products (see at least references to print buyer component, Col. 5, lines 10-Col. 14, line 5). Users may create company and individual profiles (see at least Col. 1, lines 60-67, Col. 14, lines 16-22, Fig. 1A and related text concerning registration). Users may combine options selected from various interface templates and field lists (see at least screens for user interfaces, Fig. 2-8, 18, and related text for various screens used to select and enter data).

Sevcik also discloses the use of several interfaces, including at least an interface for requesting products (see at least Col. 1, line 1-Col. 2, line 16; Col. 3, lines 42-Col. 65), and an interface for processing products (see at least Col. 3, lines 66-Col. 4; Fig. 16 and related text, Col. 14, line 49-Col. 15, line 10).

The output from Sevcik contains information sufficient to enable professional printers and typographers to bid on an order and fulfill an order. Sevcik merges specific profile data, data entered via entry fields on various interfaces according to templates and prototypes to produce a pre-press file (see at least Col. 6, lines 6, line 27-Col. 8, line 57 for customizable options; see at least Fig. 13 and related text concerning the use of specifications to produce price quotes for customized products, Col. 10, line 60-Col. 11, line 50).

Sevcik discloses the use of printing providers, pre-press firms, designers and other printing professionals who provide a finished print product. Sevcik does not include all details concerning direct-to-plate command sets or copier command sets. Smith discloses optimizing workflow in a prepress printing system (Smith, at least Col. 1, line 1-Col. 3, line 45).

Therefore, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time the invention was made to combine Sevcik with Smith and disclose the use of command sets in the information sent to printing professionals. One of ordinary skill in the art of electronic commerce at the time the invention was made would have been motivated to combine Sevcik with Smith and disclose the use of command sets for the obvious reason that printing professionals use different types of hardware and software for printing. The machines vary according to manufacturer and model. Printing machines may have different versions of software, since software professionals produce newer and more sophisticated systems on a regular basis. The variety in hardware and software allows a more competitive market place, which produces benefits for consumers and producers alike.

As per claim 2, Sevcik discloses that an interface for requesting products may include a step to generate a product specification record that can serve as a standard (see at least Fig. 4; see also Col. 6, lines 25-Col. 9, line 12, which describe possible selectable options for generating a standard record for specifying a product).

As per claim 3, Sevcik discloses that a standard for a product may include a template (see at least Col. 8, lines 57-Col. 9, line 4. The standard record and

Art Unit: 3625

specifications serve to completely define a company tailored product since the specifications are used as the basis for price quotes, saving estimates, as described in Col. 9, line 14-Col. 14, line 5).

As per claims 4 and 5, Sevcik discloses that product-specific printing information may include details needed by professional shops to provide a cost quote (see at least Col. 11, line 5-Col. 4, line 4).

Sevcik does not use the term tracking, kerning and text adjustment. However, Sevcik discloses that specific company tailored product is sufficient for professional printers and typographers to create competitive cost quotes. Such typographical information includes tracking, kerning, text and graphics adjustment data. Applicant acknowledges this on page 4, lines 15-19. Sevcik also teaches that product orders may be sent to various professionals for competitive estimates (see at least Col. 9, line 13-Col. 50. Without information such as font size, font type, characters per inch, fixed or variable text size, image size and placement, one of ordinary skill in the art of printing and typesetting may have insufficient details to provide competitive estimates, as is taught by Sevcik.

As per claim 6, Sevcik teaches that an interface may have a plurality of fields, and that the fields permit entry of data to develop a standard product record (see at least Fig. 5 and related text, which describe fields such as size of product, type of binding, ink, coating, paper finish). Other fields may include a quantity field, a turnaround time field, shipping information fields (see at least Col. 3, lines 42-65, Fig. 13 and related text, Col. 10, line 60-Col. 11, line 50 which describe various data that may

be entered into fields of an interface to create a plurality of orders. See also at least rejection of claim 1).

As per claim 7, Sevcik teaches generating a plurality of prototypical product records (see at least references to custom product categories and standard variable options and standard variable products created thereby, Col. 3, lines 41-65).

As per claims 8-11, Sevcik teaches, as in claim 8, that once data is entered into a database through an interface, data is instantly available to a person placing an order and data may be accessed from a personalized home page (Col. 14, lines 50-Col. 15, line 10). As in claim 9, Sevcik discloses that data is collected in various fields (see above). As in claim 10, the data is used to create user profiles that are specific to a company and to users (see Col. 14, lines 5-50, describing individual user accounts and master corporate accounts).

As per claim 12, Sevcik discloses that a DBMS may have an interface for input and that an interface may be used over the World Wide Web (see at least Col. 14, line 50- Col. 15, line 10, which teaches that once data is entered into a database through an interface, data is instantly available to a person placing an order and that data may be accessed from a personalized home page (Col. 14, lines 50-Col. 15, line 10).

As per claim 13, Sevcik discloses the use of networks and the Internet. A network is a group of two or more computer systems linked together; the computers may be called clients and servers. Editing and validation may be done on a client (client-side) and on a server (server-side) of an interface. These and other functions may be executed with scripting languages. As disclosed by applicant, scripting

environments are well known to persons of ordinary skill in the art (see application, page 5, lines 7-8). In addition, scripting may be implemented with a server-side scripting language such as ACTIVE SERVER PAGES, from MICROSOFT (see application, page 12, lines 13-18).

As per claim 14, Sevcik discloses that a portion of data collected with a field list may be merged with a template of a standard product record to generate pre-press product data (see at least Col. 1, lines 51-59).

As per claims 15 and 16, Sevcik discloses that output may be sent to several professional vendors for an estimate (see at least claim 3, for description of vendor selection). Professional printers may have many different types of printing machines, depending on their specialties.

As Sevcik discloses, much of the input data may be generalized. Sevcik also allows a user to select vendors according to various variables (see at least Col. 9, lines 40-43). Such vendor specific pre-press data may include vendor command sets, since it is irrelevant to a database what type of data it stores.

As per claims 17-20, Sevcik discloses the use of various interfaces and the use of scripting languages (see claim 13, above). As applicant acknowledges, the use of HTML and scripting languages is well known in the art. Scripting languages may be used on both a client-side and on a server-side of a network. On a server, scripts may be coded to merge some or all of the data received from a client to other data that already exists on any of a server's databases. The data stored in a server database may be of any data type (such as text and graphics) and may be included in templates

Art Unit: 3625

of standard product records, as described by Sevcik (see at least Col. 1, line 23-Col. 4, line 12). Graphics may be collected according to data selected from a list of fields (Col. 7, lines 3-Col. 9, line 13).

At least these additional prior art references disclose electronic commerce methods such as described by applicant:

Roth et al., The Publishing Face-off, February 1996, Macworld, v. 13, n. 2, page 124. Accessed from DialogWeb 4 June 2002, accession number 01899559. Roth et al describe and compare different types of printing, including XDATA.

Simone, Luisa, The Changing of the Guard, 9 February 1993, PC Magazine, v. 12, n. 3, p. 23. Accessed from DialogWeb 4 June 2002, accession number 03863064. Simone discusses XDATA and other extensions to the printing profession, as well as pre-press products.

Dyson, Xtensions to Quark Xpress, Seybold Report on Desktop Publishing, 8 June 1992, v. 6, n. 10, p. 3. Accessed 4 June 2002 from DialogWeb, accession number 01520910.

Thus, the suggestion and motivation to combine Sevcik, Smith and other prior art exists even without benefit of applicants' disclosures on page 10, lines 1-7; page 10, line 21-page 11, line 8; page 12, lines 10-18; page 16, line 23- page 17, line 15.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8:30 am to 5:00 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687 for regular and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

JZ
James Zurita
Patent Examiner
Art Unit 3625
June 5, 2002


WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600